

Notice of Allowability	Application No.	Applicant(s)	
	09/892,593	FERGUSON ET AL.	
	Examiner	Art Unit	
	Catherine S. Williams	3763	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to Amendment filed 3/23/06.
2. ☒ The allowed claim(s) is/are 1,4-7,9,11,14-20,23,25,27-31,60,62-65 and 69-71.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|--|--|
| 1. <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 6. <input type="checkbox"/> Interview Summary (PTO-413),
Paper No./Mail Date _____. |
| 3. <input checked="" type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date <u>11/24/03</u> | 7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit
of Biological Material | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | 9. <input type="checkbox"/> Other _____. |

EXAMINER'S AMENDMENT

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Christopher G. Trainor on 6/9/06.

The application has been amended as follows:

In the claims:

In claim 1 line 5 after "hingedly connected segments" and before the comma ",", -- extending distally from the proximal end—has been inserted.

In claim 1 line 9 after "shield" and before the period ".", --and inhibit rotation of the shield within the collar—has been inserted.

In claim 5 line 11 the period "." has been replaced with a semi-colon --;--.

In claim 5 new line 12 --wherein the interior cavity of the collar of the monolithic needle hub defines notches that receive tabs formed with the proximal end of the shield to lock the needle hub to the shield and inhibit rotation of the shield within the collar.—has been added.

Claim 8 has been cancelled.

In claim 9 line 1 "8" has been changed to --5--.

In claim 69 line 5 "distal" has been replaced with --proximal--.

In claim 69 line 12 the period "." has been replaced with a semi-colon --;--.

In claim 69 new line 13 –wherein the interior cavity of the collar of the monolithic needle hub defines notches that receive tabs formed with the proximal end of the shield to lock the needle hub to the shield and inhibit rotation of the shield within the collar.—has been added.

In claim 71 line 6 after “interlocking engagement” and before the comma “,”, --the inhibit rotation of the shield with in the collar—has been inserted.

In claim 71 line 8 after “living hinge and before the comma “,”, -between the proximal end distal end—has been inserted.

Allowable Subject Matter

Claims 1,4-7,9,11,14-20,23,25,27-31,60,62-65 and 69-71 are allowed.

The following is an examiner’s statement of reasons for allowance:

The prior art fails to teach a medical needle shield that includes a needle hub having a monolithic and integrally formed collar with an interior cavity and a shield having a proximal end receivable within the interior of the cavity of the collar where the interior cavity of the collar defines notches that receive tabs formed with the proximal end of the shield to lock the needle hub to the shield and inhibit rotation of the shield within the collar in combination with the shield having a plurality of hingedly connected segments extending distally from the proximal end of the shield, the shield having a lock configured to capture a portion of the needle disposed proximal to the distal end of the needle, or the shield including a distal segment and a proximal segment connected via a living hinge between the proximal and distal ends.

The prior art most similar is to Kao et al (USPN 6,171,284) and Sturman et al (USPN 5,246,427). Kao teaches a needle shield with a collar and notches and tabs; however, Kao does

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not teach inhibiting rotation of the shield relative to the collar. Sturman teaches a needle hub with a monolithic and integrally formed collar with an interior cavity and a shield with tabs at the proximal end that are inserted into notches within the interior cavity of the collar. However, Sturman does not teach the shield having a plurality of hingedly connected segments extending distally from the proximal end of the shield, the shield having a lock configured to capture a portion of the needle disposed proximal to the distal end of the needle, or the shield including a distal segment and a proximal segment connected via a living hinge between the proximal and distal ends. Neither of these references anticipates the instant invention. Additionally, there is not motivation in the art or common knowledge to combine or modify the references to achieve the claimed invention.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

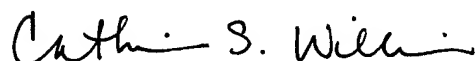
Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Catherine S. Williams whose telephone number is 571-272-4970. The examiner can normally be reached on Monday - Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nicholas D. Lucchesi can be reached on 571-272-4977. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Catherine S. Williams
June 12, 2006

CATHERINE S. WILLIAMS
PRIMARY EXAMINER